



Town of Southern Shores

5375 N. Virginia Dare Trail, Southern Shores, NC 27949

Phone 252-261-2394 / Fax 252-255-0876

www.southernshores-nc.gov

Council Meeting

June 5, 2012

7:00 p.m.-Pitts Center

The following Council Members were present: Mayor Hal Denny, Mayor pro tem Jodi Hess, Council Members George Kowalski, David Sanders and Larry Lawhon. Also present: Town Manager Peter Rascoe, Town Attorney Ben Gallop and Town Clerk Carrie Gordin.

Mayor Denny called the meeting to order at 7:00 p.m. led the Pledge of Allegiance and held a moment of silence for residents Lou Anne Browning and Ray Slegel as well as Hugh Lutton, a Kill Devil Hills resident who was involved with the Boy Scouts and for the men and women serving in uniform protecting our freedom.

APPROVAL OF AGENDA

Mayor Denny requested the agenda be amended by reversing the order of item X. Public Hearings. A. Proposed FY2012-2013 Budget and B. Proposed Updated FY 2012-2022 Town Solid Waste Management Plan. Mayor pro tem Hess moved to approve the agenda as amended. Council Member Sanders seconded. The motion passed with Mayor Denny and Council Members Hess, Kowalski, Sanders and Lawhon voting aye.

RECOGNITION OF EMPLOYEE-Police Chief Kole-Five Years of Service

Mayor Denny presented Chief Kole with a plaque, a certificate and a five-year pin.

INTRODUCTION OF TOWN COMMUNITY RESOURCE OFFICER-Matthew Mundy

Chief Kole introduced Officer Mundy. He stated Officer Mundy is from Gates County and he is scheduled to attend BLET School in January. He has an Associate's degree in Criminal Justice and is a student pilot.

PRESENTATION-FRATERNAL ORDER OF POLICE

Lt. Paul Terry, Treasurer, presented the Town with a framed certificate of appreciation for supporting the Chapter's 8K Hot Pursuit Run held in Town on March 3, 2012 in remembrance of fallen Outer Banks law enforcement officers.

INTRODUCTION OF OCEAN RESCUE LIFEGUARDS

Mirek Dabrowski, Supervisor, introduced some of his 2012 lifeguard staff who was able to attend the meeting.

Mayor Denny stated the Town appreciates their service and thanked them for coming.

APPROVAL OF MINUTES - Approval of Minutes-May 15, 2012 and April 3, 2012-Corrected.

Mayor pro tem Hess addressed corrections to the May 15 minutes that she previously gave to the town clerk. Council Member Lawhon moved to approve the minutes as corrected. Council Member Sanders seconded. The motion passed with Mayor Denny and Council Members Hess, Kowalski, Sanders and Lawhon voting aye.

Mayor pro tem Hess moved to approve the April 3 minutes as corrected. Council Member Kowalski seconded. The motion passed with Mayor Denny and Council Members Hess, Kowalski, Sanders and Lawhon voting aye.

CONSENT AGENDA-None

STAFF REPORTS

Town Planner

Wes Haskett, Town Planner, presented the monthly report. He requested Mayor Denny set a required public hearing on July 17 for the Town's Land Use Plan. Mayor Denny set the public hearing for July 17 as requested.

[Clerk's Note: A copy of the May Planner's report is hereby attached as Exhibit A].

Police Department

Chief Kole presented the monthly report. He also reported, as an on-going investigation, the arrest of three juveniles for eighteen break-ins of vehicles in Town as well as similar crimes in Kitty Hawk.

Southern Shores Volunteer Fire Department

Chief Harvey presented the monthly report.

REPORTS FROM BOARDS, COMMITTEES, AND ASSOCIATIONS

Town Planning Board-None

Southern Shores Civic Association (SSCA)-None

Chicahawk Property Owner's Association

Leo Holland stated a new Chicahawk parking lot sign has been installed and their next meeting will be held on Thursday, June 7, 7:00 p.m.

PUBLIC HEARINGS

Proposed Updated FY 2012-2022 Town Solid Waste Management Plan

Mayor Denny opened the public hearing.

The Town Manager stated the plan submitted includes the recommended changes by Council at the May 1, 2012 meeting.

Mayor Denny called for public comment; hearing none he closed the public hearing.

Following some minor text changes on the plan and a spelling correction to Resolution 2012-06-01, Mayor pro tem Hess moved to approve, as corrected, Resolution 2012-06-01 approval of the Town's Solid Waste Management Plan. Council Member Kowalski seconded. The motion passed with Mayor Denny and Council Members Hess, Kowalski, Sanders and Lawhon voting aye.

Proposed FY 2012-2013 Budget

Mayor Denny stated the Town Manager presented his proposed FY 2012-2013 budget at the May 15 Council meeting with the public hearing set for this meeting tonight.

Mayor Denny opened the public hearing. Upon calling for public comment and hearing none he closed the public hearing.

The Town Manager stated the proposed budget shows no tax rate increase but does show a transfer from the undesignated fund balance for \$156,405 to offset in part this year's reduction in the distribution of county taxes of \$130,000. He noted that the Town is projected to realize budget savings this current year for the Chicahauk Trail Street Improvement Project and the Canal Maintenance Dredging Project (permitting) in the amount of \$198,860, which would be automatically transferred to the Town's Undesignated Fund Balance on June 30, 2012. Based on this projected savings and the resulting increase in the undesignated fund balance, he recommends the transfer from fund balance to balance the budget rather than an increase in the property tax rate.

Mayor Denny stated he is concerned about using the fund balance to balance next year's budget.

Council Member Kowalski stated the budget doesn't address several upcoming projects. He stated the canal dredging project is estimated to cost 2.7 million dollars with a consideration of financing the project over a seven-year period that requires a two-cent tax rate over seven years. The Tall Pine Bridge project cost is \$750,000 that the Town pays upfront with an 80% return which is not shown in this proposed budget.

In response to Council Member Kowalski, Mayor Denny reminded Council that it had previously directed the Town Manager not to include the dredging project in this upcoming budget. He also reminded Council the costs for the first phase (design) of the Tall Pine Bridge replacement project has already been budgeted, and the subsequent phase (construction) is two years away.

Council Member Kowalski asked if the \$300,000 for the Juniper/Trinitie Bridge has been appropriated.

Mayor Denny stated the funds have not been appropriated that the Town Manager had recommended to Council paying that cost from the fund balance when the Town is actually invoiced for the final cost.

Mayor pro tem Hess stated she doesn't know if this year is the right time to increase the taxes. She stated we could enact a tax increase to build savings this year or wait until next year for the county property re-evaluation.

In response to a question from Councilman Sanders, the Town Manager stated if Council directed him now, it would take him a year to develop and get approval for the financial package to allow for dredging start-up in the fall of 2013.

Council Member Lawhon stated Council needs to see the canal project moves ahead.

Council Member Kowalski asked if state funding is available to help offset the costs. The Town Manager stated there is no federal or state grant money currently available.

Council Member Kowalski stated a 2.5 cent yearly property tax rate increase would be needed to fund the canal dredging project over seven years.

Mayor Denny stated he doesn't want to fund next year's budget from the fund balance. He suggested transferring this year's projected budget savings into the capital reserve fund prior to year-end, or just keeping this year's projected budget savings in the undesignated fund balance and raise the taxes one cent. He feels discussion on the canal dredging project funding can be done after the budget is approved.

The Finance Officer reminded Council that the Dare County tax collections fee would increase if Council increases property taxes.

Council agreed to continue the budget process to the June 19 Council meeting.

Mayor Denny moved that the Budget Officer (Town Manager) revise his submitted proposed budget by increasing the revenue from property taxes by including a two-cent (2 cent) tax rate increase. Council Member Sanders seconded. The motion passed with Mayor Denny and Council Members Hess, Kowalski, Sanders and Lawhon voting aye.

The Town Manager will have the revised proposed budget as directed by Council at the June 19 Council meeting.

GENERAL PUBLIC COMMENT

Leo Holland, 23 Spindrift Trail, stated he will comment at the June 19 Council meeting when he has time to consider the Council's comments regarding the special tax assessment to canal property owners. He stated the canal owners need to be apprised that they may be assessed. He stated this will be a financial burden for the SSCA and the CPOA.

Mayor Denny stated Council will address this issue at the July workshop.

OLD BUSINESS

Department of Transportation's Response to Town's Request to Reduce Speed Limit on NC12

The Town Manager stated the Town received a response from DOT stating as a part of their study they recommend leaving the speed limit at 45 mph on NC 12. They would agree to lower the speed limit to a seasonal 35 mph from May 15 through September 15 from US Hwy. 158/NC 12 to the end north of Porpoise Run if Council concurs. DOT agreed to install additional pedestrian information signs, one at each end of each of the crosswalks.

Mayor Denny stated he would like the proposed speed limit be extended to East Dogwood Trail.

Mayor pro tem Hess stated as she has said before she feels there are too many pedestrian crossovers and the signs give the pedestrians a false sense of security. She would like to see a flashing light installed at the crossovers. As noted in the letter, DOT states the lowering of the speed limit may encourage cut-through traffic.

Mayor Denny and Council Member Lawhon stated they don't agree with the cut-through traffic comment.

Council Member Lawhon stated he is disappointed by DOT in that they have ignored their own guidelines regarding the number of crossovers and the posted speed limit of 45 mph. He doesn't know how they came up with the percentage calculations. He would agree to a seasonal change and extending the area to East Dogwood.

Council Member Sanders stated this issue has come to Council before and he has voted against it and for it. He stated he is disappointed with DOT's recommendation in that he would like to see it year round. He doesn't support a seasonal change.

Council Member Kowalski stated the DOT study shows most people are complying with the speed limit and accidents are minimal. He stated he agrees with Mayor pro tem Hess and he doesn't support the change.

Mayor Denny stated he has seen the difficulty of pedestrians crossing NC 12 and he is thinking about their safety.

Mayor Denny moved to request DOT institute a 35 mph speed limit from US Hwy 158 north to East Dogwood Trail from May 15-September 15 and to accept DOT's proposal to add additional pedestrian informational signs at each end of the area. Council Member Lawhon seconded.

Mayor Denny called the question and asked for all those in favor. Mayor Denny and Council Member Lawhon stated aye. Mayor Denny then asked for a show of hands from all those in favor. Council Members Sanders

and Lawhon, and Mayor Denny, raised their hands. Mayor Denny then asked for a show of hands from all those opposed. Council Members Kowalski, Sanders, and Hess raised their hands as a no vote. Mayor Denny recognized that Council Member Sanders voted twice, once in favor and once in opposition. Council Member Sanders stated he thought the first vote was for the call of the question. The Mayor then declared the motion failed (2-3).

The Town Manager stated for clarification on the Council's action in that he understands the result would be no request for a change to the current speed limit on NC12. The Mayor concurred that is now the position of the Council.

Mayor pro tem Hess asked if the pedestrian crossing signs could be installed. It was stated the signs would not be posted with a 45 mph speed limit. The Town Manager will look into this.

The Town Manager asked for clarification on that he will be bringing the revised proposed budget to the June 19 Council meeting, and that a discussion on the future of the canal project, including funding, will be held at the July work session meeting. Mayor Denny stated that is correct.

[Clerk's Note: A copy of the DOT response is hereby attached as Exhibit B]. * Due to poor copy Exhibit B is manually added

NEW BUSINESS-None

OTHER ITEMS

Town Manager

- Staff has acquired copies of other municipality cemetery rules and is ready to meet with Council Member Kowalski, the Council-appointed Cemetery Keeper, for review and recommendations for updating of the Town's cemetery rules.
- Staff is sending the link to the Town's new website for Council to review and submit comments.
- The County Water Department will begin boring the water lines under the Juniper/Trinitie Trails Bridge soon.

Town Attorney-None

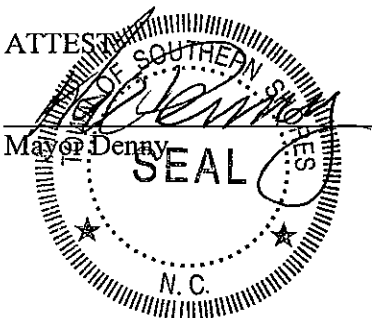
Mayor-None

Council

Mayor pro tem Hess reported she attended a Tourism Board committee meeting where discussion was held on the proposed plans for the Windmill Point property and that any plans made public will be over a period of years.

Hearing no other business Mayor Denny moved to adjourn the meeting at 9:05 p.m. Mayor pro tem Hess seconded. The motion passed with Mayor Denny and Council Members Hess, Kowalski, Sanders and Lawhon voting aye.

ATTEST



Respectfully submitted:

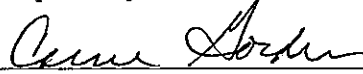

Carrie Gordin, Town Clerk

Exhibit A

**6-5-12 TC Report
Town Planner
Month of May**

1. Land Use Plan Update

-Our response to the State's most recent comments on the Land Use Plan is near completion and right now we are aiming for a public hearing to be held on July 17, 2012. The NCGS require a minimum 30 day notification for Land Use Plan adoptions or revisions and if adopted by Council on July 17, 2012, the CRC will review and hopefully approve it at their August 29th meeting. The August 29th CRC meeting is the meeting being held until early 2013.

2. Permitting and Inspections for May, 2012

-9 Zoning Permits were issued.

-3 Lot Disturbance permits were issued.

-38 building permits were issued: 3 new single-family dwellings, 1 addition, and 34 others.

-72 Dare County building inspections were conducted (41 job sites).

-Total amount of fees collected in May was \$11,728.43.

Exhibit B

Manually attached due to poor copy of document.

Exhibit B



STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

113 AIRPORT DRIVE, SUITE 100, EDENTON, N.C. 27932

BEVERLY EAVES PERDUE
GOVERNOR

JUNE 5, 2012

EUGENE A. CONTI, JR.
SECRETARY

Peter Rascoe, Town Manager
Town of Southern Shores
5375 North Virginia Dare Trail
Southern Shores, N.C. 27949

Dear Mr. Rascoe:

This is in response to correspondence dated March 7th, 2012 from the Town of Southern Shores concerning the speed limit along NC 12 (Virginia Dare Trail). The Town requested that the North Carolina Department of Transportation review the existing 45 mph speed limit to determine if a reduction to 35 mph is warranted. The existing speed limit on NC 12 within the Town limits is 45 mph with a short 35 mph speed zone located at the southern corporate limits near the Southern Shores Town Hall.

As part of our study of this area we performed three separate spot speed studies with a radar gun in order to determine the 85th percentile speed of vehicles using the roadway. This is the speed at which 85% of vehicles are traveling at or below. The 85th percentile speed is the standard to determine what speed motorists are comfortable driving and is used to set speed limits nationwide. We sampled 100 vehicles at each location in a random pattern. Location 1, between the 35 mph speed zone and Chicahauk Drive, had an 85th percentile speed of 46.7 mph. Location 2, at Periwinkle Place, had an 85th percentile speed of 45.4 mph. Location 3, at 2nd Avenue, had an 85th percentile speed of 45 mph. This would give NC 12 an average 85th percentile speed of 45.7 mph.

We also performed an accident analysis of all reported crashes through the section for five years beginning February 1, 2007 and ending January 31, 2012. Our analysis found 65 reported crashes during that time period. Of those crashes 48 were property damage only, 14 were minor injury, 2 were major injury and 1 was a fatal crash. The types of crashes were 48 rear ends, 4 animals, 2 angle crashes, 1 pedal cyclist and 10 turning type crashes. The fatal was an angle crash that occurred near Dogwood Trail. Speeds exceeding 45 mph were not a factor in any of the reported crashes.

There are several non-signalized pedestrian crossings between the existing 35 mph zone and just south of Porpoise Run. These crossings are signed with the new style high intensity, oversized pedestrian warning signs and are marked with high visibility crosswalk pavement markings. These crossings are installed in accordance with Federal and State standards for delineating safe pedestrian facilities. Also, in order to reinforce

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PHONE 252-482-7977

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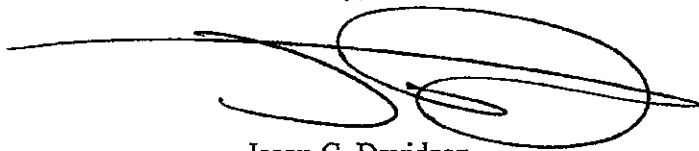
Mr. Peter Rascoe
May 30, 2012
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these crossings we propose the addition of pedestrian information signs on each end of this area informing motorists of the current State law regarding pedestrian crossings.

Upon completion of our review we have determined that the speed limit does not warrant a reduction to 35 mph due to low amount of severe crashes and the 85th percentile speed. A speed reduction may also encourage more motorists to cut through Dogwood Trail in order to bypass the speed zone. We recommend that the speed limit remain 45 mph. However, since there are numerous driveway connections and side streets along with several pedestrian crossings in this area, we will, if the Town concurs, consider reducing the speed limit seasonally to 35 mph beginning May 15th and ending September 15th of each year. The area to be reduced would begin at the existing 35 mph speed zone and end north of Porpoise Run.

If the Town wishes to proceed with the reduction as described above, please contact our office in writing. If you need additional information or have questions please let us know.

Sincerely,



Jason G. Davidson
Division Traffic Engineer (Acting)

CC: Jerry Jennings, Division Engineer
Sterling Baker, Division Maintenance Engineer
Gretchen Byrum, District Engineer
File

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